

**REPLY DECLARATION
OF
JAMES M. BRADBURY
ATTACHMENT 26**

NORTH CAROLINA UTILITIES COMMISSION

TRANSCRIPT OF TESTIMONY

BELLSOUTH TELECOMMUNICATIONS, INC

**APPLICATION OF BELLSOUTH TELECOMMUNICATIONS, INC. TO
PROVIDE IN-REGION INTERLATA SERVICE PURSUANT TO SECTION
271 OF THE TELECOMMUNICATIONS ACT OF 1996**

DOCKET NO. P-55, SUB 1072

Volume 6

DATE NOVEMBER 1, 2001

PLACE: Dobbs Building, Raleigh, North Carolina

DATE: November 1, 2001

DOCKET NO.: P-55, Sub 1022

TIME IN SESSION: 9:15 A.M. TO 12:35 P.M.

BEFORE: Chair Joanne Sanford, Presiding
Commissioner J. Richard Conder
Commissioner Robert V. Owens, Jr.
Commissioner Sam J. Ervin, IV
Commissioner James Y. Kerr, II

IN THE MATTER OF:
Application of BellSouth Telecommunications
Inc. to Provide in-Region InterLATA Service
Pursuant to Section 271 of the
Telecommunications act of 1996

VOLUME 6

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E X A M I N A T I O N S

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Commission's knowledge.

Subsequent to the MTP, and during the execution of the MTP, there were a number of things that took place. The New York test went through the process in Washington. USLEC, at that time, now Quest, was contemplating--figuring out what it needed to do to do testing. And Mr. Strickland at the FCC issued a letter to USLEC, which got generally circulated in the industry, and it talked about certain characteristics of what constituted a well done OSS test.

The STP in Georgia reflects the Georgia Commission's reaction to the Strickland letter and added aspects and elements of the test in response to that. So both the MTP and the STP, taken together and put into that context, reflect what the Georgia Commission wanted to have tested.

Now, are there things that could have been tested that weren't tested? Of course, there always are in every test. And I think that fact could be discussed and debated forever. But at the end of the day, it was the sovereignty of the Commission in Georgia that dictated what would and wouldn't be tested in Georgia.

COMMISSIONER ERVIN: But given that we have

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2
3 been asked by the Company to accept the Georgia
4 test for purposes of our review here. it does seem
5 to me that we're in the position of having to at
6 least address questions that have been raised by
7 some of the intervenors with respect to whether we
8 ought to accept the Georgia test as adequate or
9 not. That's kind of where I'm going and why this
10 question struck me when I thought I heard it.

11 Given what you have told me and told others
12 today about the manner in which this test was
13 constructed originally and then supplemented, would
14 it be a fair understanding of your testimony to be
15 that you do not render an opinion as to the
16 adequacy or completeness of this test, because
17 y'all were never asked to look at that question.
18 And instead, you tested what the Georgia
19 Commission, in the exercise of this regulatory
20 judgment, thought ought to be tested; is that fair?

21 THE WITNESS: I think it's almost fair.

22 COMMISSIONER ERVIN: Tell me why it's not
23 almost--why it's not completely fair.

24 THE WITNESS: The--I think the--we did have
25 input into the STP process--

26 COMMISSIONER ERVIN: Right.

27 THE WITNESS: --so I think it's fair to say

that we have shared with the Georgia Commission, which we felt, given what their objectives were, some of our thoughts about what, you know, they might should consider for testing and--

COMMISSIONER ERVIN: And were these just random thoughts, or did you sit down and make a complete systematic list or what?

THE WITNESS: No, we did not do a complete systematic, you know, these are all the possible things you could ever think about testing.

COMMISSIONER ERVIN: That was not done?

THE WITNESS: That--that was not done.

COMMISSIONER ERVIN: Okay. Well, tell me what was--

THE WITNESS: What we were trying to do was to respond to mostly the Strickland letter and--and help them think about those issues. I think that in terms--if the question you're asking me is how should you guys go about thinking about it--about the Georgia record sitting here in another jurisdiction, I think that, in the first place, as we say in our report, we never intended the Georgia report to be used by other than the Georgia Commission. That's clear on the first page on our disclaimers. And so it gives us a little bit of

cause for pause that it's being used in another jurisdiction in a way that we didn't intend for it to be used and in a way that we explicitly tried to keep from happening.

But given that that's happened, I think you need to make your own assessment of the areas that weren't evaluated in the Georgia test. And it's a fairly straight forward mapping exercise, which I'm sure others have already done for you.

COMMISSIONER ERVIN: And if they haven't, I'm fairly confident that they will.

THE WITNESS: And look at those areas for which there was no record developed in Georgia. And ask yourself whether there are areas there that you feel, as a Commission, that you would like to have some record on. And I--I would remind the Commission that there's three legs to this stool. Any time you look at a record, there is what the third-party independent tester observed in the course of their actions. There is what the company puts forward as its commercial experience all day, every day, in its advocacy case. And then there's what the CLPs put forth as their experience all day, every day. And I think, you know, you will look at all three of those. That the third party

test isn't the be-all-end-all. It's part of the equation. It's not the entire equation.

COMMISSIONER ERVIN: Certainly. But what--to try to bring this aspect of our conversation to a conclusion, I'm hearing you tell me that, given the circumstances under which the test was designed and conducted in Georgia, that while you and your colleagues at KCI had input into the design, that it was not within your control. And that you're not making a representation to us, one way or another, as to the completeness; is that a fair understanding of what you're telling me?

THE WITNESS: I think that's a fair understanding. And, you know, I'll make one other assessment, which is, you know, we can't tell you, because we haven't done any work, how much of the Georgia systems and processes and methods and documentation, and all of that stuff, apply to this jurisdiction. We don't know the answer to that question.

COMMISSIONER ERVIN: I think there are others who are prepared to tell us various things about that, and I'll just spare you that discussion.

THE WITNESS: Okay.

COMMISSIONER ERVIN: Secondly, you had some

considerable conversation with both Mr. Hill and Commissioner Kerr about the issue of the exercise of your professional judgment. And I think I understand your answers to both of them and want to just follow up on one or two things that you said in your responses to them with respect to both the question of input from BellSouth and input from CLECs into the exercise of your professional judgment.

And if I--don't let me put words in your mouth. But in an effort to move it along, I'm going to say a few things that I thought I heard you say. But be alert to the possibility that I might be mishearing you.

As part of the process of exercising your professional judgment in the course of drafting your final report--and you did, I assume, exercise a lot of professional judgment in drafting the final report, right? There was a lot of judgment exercised in the drafting of the final report?

THE WITNESS: I would characterize it slightly different as there was a lot of judgment that went into our testing activities. The report is a reflection of our testing activity.

COMMISSIONER ERVIN: But at any rate, at the